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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/904,056	07/31/97	LINDSEY	T 450.156US1

WM02/0919
SCHWEGMAN LUNDBERG WOESSNER AND KLUTH
P O BOX 2938
MINNEAPOLIS MN 55402

EXAMINER	
NELSON, A	
ART UNIT	**PAPER NUMBER**
2675	19

DATE MAILED: 09/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/904,056	Lindsay
Examiner	**Art Unit**
Alecia Nelson	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 12, 2001* .

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. ***Claims 1-4 and 8-18*** are rejected under 35 U.S.C. 102(e) as being anticipated by Schultheiss (U.S. Patent No. 6,208,384).

Schultheiss teaches a system for providing information to a television using a personal computer comprising a computer (12) having at least a processor (20, 20a) and a memory (32), a multimedia device (40) operatively coupled to the computer (12), and a pointing device (50) operatively coupled to the computer (12) and having at least one control (62) to control only the multimedia device, wherein the pointing device only couples to the computer (see figure 4) and wherein the at least one control (62) to control only the multimedia device (40) is operable without regard to orientation of the pointing device (see column 7, lines 4-30). The pointing device (50) has at least one control (62) to control only the multimedia device (40) such that actuation of a control causes the computer to change a functionality of the multimedia device (40) associated with the control (see column 5, lines 54-55, column 7, lines 30-40). Schultheiss also

teaches that pointing device (50) for a computer operatively coupled to a multimedia device comprising a housing (52), at least one mouse button (66a, 66b) disposed within the housing (52), a component (64) disposed within the housing to signal directional movement to the computer (see column 5, lines 59-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. ***Claim 5*** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss as applied to **claim 1** above, and further in view of Frank (EP Patent No. 1 596 594).

Schultheiss teaches all that is required as applied to **claim 1** as explained above however fail to teach the usage of an optical disc player capable of playing audio compact discs however does teach the usage of the device a television as well as other devices (see column 9, lines 4-6). Moreover, the usage of a plurality of different electronic devices in a multimedia system is well known in the art.

Frank teaches a multimedia device in which host computer (20) is networked to television (22), VCR (24), video laser disc (26), and compact audio disc (26) (see column 2, lines 43-49).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the different types of electronic devices, as taught by Frank, in a multimedia device with a controller operatively coupled to a computer, as taught by Schultheiss. This would thereby provides a system which allows information to be provided to a television, or a plurality of electronic devices, via a personal computer and thereby reducing processing and memory.

5. ***Claims 6 and 7*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss as applied to **claim 1** above, and further in view of Redford (U.S. Patent No 5,3392,095).

Schultheiss teaches all that is required as applied to **claim 1** as explained above however fail to teach the usage of an optical disc player capable of playing audio compact discs however does teach the usage of the device a television as well as other devices (see column 9, lines 4-6). Moreover, the usage of a plurality of different electronic devices in a multimedia system is well known in the art.

Redford teaches that if the optional audio input capability is desired, a microphone, an audio amplification circuit, and an FM transmitter need to be added to the remote unit, and an FM receiver and an audio port are needed in the base unit (see column 10 lines 19-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the different types of electronic devices, as taught by Redford, in a multimedia device with a controller operatively coupled to a computer, as taught by Schultheiss.

This would thereby provides a system which allows information to be provided to a television, or a plurality of electronic devices, via a personal computer and thereby reducing processing and memory.

Response to Arguments

6. Applicant's arguments filed 7/18/01 have been fully considered but they are not persuasive. With reference to the independent ***claims 1-4, 8-13, and 16-18,*** specifically independent **claims 1, 8, 12, and 16**, the applicant states that the while the device as taught by Schultheiss (U.S. Patent No. 6,208,384) does include a trackball, the only use disclosed for the trackball appears to be to control an on-screen television guide, and that it does not function as general purpose pointing device as such pointing devices are known in the art. However, Schultheiss states that the trackball (64) and trackball keys (66a, 66b) are used to communicate directly with the personal computer, for example to call up online television programming guide software and **manipulate the online television program guide by cursor movement on the screen** (see column 5, lines 59-65), hence is a pointing device. With further reference to **claim 1**, the applicant states that the office action appears to ignore the language recited in **claim 1** that the pointing device only couples to the computer. The examiner agrees with the applicants position that Figure 1 of Schultheiss teaches that the wireless remote (50) couples to both the computer (12) and the television (40). However, it appears that the applicant ignored that the office action is directed towards **Figure 4** with regards to this limitation. Figure 4 teaches a second embodiment in which

the remote (50) controls the television by accepting user input commands to remotely control a television from a wireless remote control, and transmits UHF remote control signals from the wireless remote control to a personal computer (see column 8, lines 3-15). Also, the applicant states that a claim element not taught or disclosed by the cited reference is found in independent **claim 8**, which recites "a pointing device having at least one control to control only the multimedia device such that the actuation of a control causes the computer to change a functionality of the multimedia device associated with the control." It is stated that the system (100) allows the computer to do more than just provide listings of data. The computer can select a program from an online television program guide and also direct the TV set to tune to the appropriate channel. The remote control unit (50) has the ability to control the online guide via the personal computer and to control the television via the personal computer instead of remote controlling the television directly (see column 7, lines 31-41). Applicants arguments towards **claim 5** have been explained above with reference to independent **claim 1.** Further, with reference to **claims 6 and 7**, the applicant states that the no motivation was provided. However, there was motivation provided which is the same motivation used for **claim 5**, the examiner neglected to replace the Frank with Redford. Moreover, it is an error and, even more so, it is clearly obvious that the error was not intentional. Just as the applicants error in using Redmond in the argument as oppossed to Redford.

Therefore, in light of the foregoing arguments, the rejection to **claims 1-18** is held and this action is thereby made final.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 2023; or faxed to: (703) 872-9314, (for Technology Center 2600 only). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143 between the hours of 8:00 a.m and 5:00 p.m. on Monday-Friday.

If attempts to reach the above examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703)305-9720.

adn/ADN
September 16, 2001

DENNIS-DOON CHOW
PRIMARY EXAMINER